

VZCZCXYZ0001
OO RUEHWEB

DE RUEHQT #2928 3341319
ZNR UUUUU ZZH
O 301319Z NOV 06
FM AMEMBASSY QUITO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5797
INFO RUEHBO/AMEMBASSY BOGOTA 6219
RUEHCV/AMEMBASSY CARACAS 2195
RUEHLP/AMEMBASSY LA PAZ NOV LIMA 1192
RUEHGL/AMCONSUL GUAYAQUIL 1501

UNCLAS QUITO 002928

SIPDIS

SENSITIVE
SIPDIS

DEPT FOR WHA/AND AND EB/TPP/ABT
USTR FOR BENNETT HARMAN
USDA/FAS/OA/BIOTECH
USDA/APHIS/BRIS

E.O. 12958: N/A

TAGS: [ETRD](#) [EAGR](#) [PGOV](#) [EC](#)

SUBJECT: PRESIDENT DID NOT VETO GMO PROVISIONS IN HEALTH CODE

REF: Quito 2698

[11](#). (U) Summary and action request. President Palacio did not veto the GMO provisions of the draft Health Code, which is expected to enter into force in mid to late December. Post will work with the private sector and interested GOE agencies to develop implementing regulations that do not impede trade in GMO products. Post requests Washington support in identifying experts to visit Ecuador to discuss the regulatory process to approve foods that include GMO products. End summary and action request.

[12](#). (U) President Palacio declined to veto provisions in Ecuador's draft Health Code that would require regulation of foods that include genetically modified organisms. As noted in reftel, several provisions of the Health Code require certification that foods containing GMOs be certified as safe before they can be imported, sold or accepted as food aid. In addition, the code requires that labeling for GMO foods.

[13](#). (SBU) EconCons and AgAttache raised U.S. concerns with the Ministers of Commerce on November 9 and on November 13 with the Minister of Health and the Acting Minister of Agriculture. All expressed concerns that the GMO provisions would disrupt trade, and that they would recommend to President Palacio that he veto provisions.

[14](#). (SBU) Subsequently, post heard from industry and GOE contacts that President Palacio expressed reservations about vetoing the GMO provisions, and requested information about the safety of GMO food products. Post provided Ministries of Commerce and Agricultural information prepared by the WHO and FAO explaining the regulatory process for establishing the safety of GMO products. Time constraints precluded a visit by USG experts.

[15](#). (SBU) A Ministry of Commerce contact confirmed that President Palacio was not persuaded by the arguments made by his cabinet and declined to veto the GMO provisions because of his concerns about the safety of GMO foods.

[16](#). (U) President Palacio did veto some other provisions in the Health Code and returned it to Congress November 24. Congress has up to 30 days to react to those changes, and Congress's decision will be the final hurdle for the Health Code. Therefore we expect the Code will enter into force in mid to late December. The administration has 90 days to develop the implementing regulations, although this time span will cross over into the incoming administration, which will take office January 15.

[17](#). (U) Post will work with the private sector and interested GOE

agencies to encourage regulations that will not impede trade of GMO products. We will also work with them to urge that trade not be disrupted in the interim between the Health Code entering into force and the issuance of implementing regulations.

18. (U) Action request. Visits by experts on the GMO regulatory process would be helpful as Ecuador develops implementing regulations for the Health Code. Post would appreciate USDA and Department assistance in identifying experts who could explain to Ecuadorian government and private sector officials (and, possibly, the media) international regulatory experiences in approving GMO food products. Post would also appreciate Washington agencies assistance in identifying data that can be share with GOE agencies to demonstrate the GMO products are safe.

Jewell